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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,227	10/06/2000	Paul A. Monte	900.8500USU	1612

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EXAMINER

MEHRA, INDER P

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/680,227

Applicant(s)

MONTE ET AL.

Examiner

Inder P Mehra

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-8 and 19-22 is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-18 and 23-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/8/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to application filed dated: 10/6/00.

Specification

2. The disclosure is objected to because of the following informalities:

Refer to page 4 lines 23. Fill up the blank space with serial number, date and also corresponding Patent no. and date, if issued.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-8, 13, 18, 25, 32, 37, 38-42 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a) Claim 1, 18, , 25, 32, 37, and 42 recites the limitations "said individual ones" and "the individual predetermined spreading waveforms". There is insufficient antecedent basis for this limitation in the claim.
- b) Claim 5 recites the limitation "said predetermined center frequency" in line 12. There is insufficient antecedent basis for this limitation in the claim.
- c) Claim 13, 18, 25, 32, 37, and 42 recites the limitation "said ones of said signals" in line 1. There is insufficient antecedent basis for this limitation in the claim.
- d) Claim 38 recites the limitation "said at least one inter-satellite link". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4 rejected under 35 U.S.C. 102(e) as being anticipated by **Harms et al** (US Patent No. 6,493,376), hereinafter, Harms.

For claims 1 and 42, Harms discloses, in reference to fig. 1), “a method for processing communications in a satellite telecommunications system (col. 1 lines 12-20), comprising the steps of:

- providing a gateway and a satellite(14 and 16) coupled together through at least one feeder link (42, 46 and 48, forward link, col. 2 lines 40-45,), said feeder link conveying a plurality of channel blocks, (refer to fig. 1. col. 7 lines 20-32, “channelizing codes”, col. 1 lines 66-col. 2 line 5);
- code division multiplexing each of said plurality of channel blocks using apredetermined spreading waveform selected to indicate an origin and a destination of each of said plurality of channel blocks (channelizing orthogonal code using PN chip rate, refer to col. 2 lines 3-20);
- transmitting said code division multiplexed channel blocks; and, routing said individual ones of said channel blocks to their destination in accordance with

Art Unit: 2666

the individual predetermined spreading waveforms (“The system users communicate through gateways and satellites, or terrestrial base stations (also referred to as cell-sites or cells) using CDMA spread spectrum communication signals”, refer to col. 1 lines 40-45, using preselected PN spreading code—modulation signals, refer to col. 4 lines 40-45, col. 4 lines 53-55.

For claims 2-4, Harms discloses the following limitations:

- wherein said at least one feeder link is a return feeder link, **as in claim 2**, refer to 42, 46 and 48, col. 8 lines 15-18 .
- wherein said at least one feeder link is a forward feeder link, , **as in claim 3**, refer to 42, 46 and 48, col. 8 lines 15-18 .
- wherein said destination comprises at least a beam of a forward service link, , **as in claim 4**, refer to col. 2 lines 2-5, col. 9 line 2.

Allowable Subject Matter

7. Claims 5-8 and 19-22 are allowed.
8. Claims 9-18, and 23-41 would be allowable if claims 13, 18, 25, 32, 37 and 38 are rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Prior Art of Record

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2666

- Ames (US Patent No. 5,233,626) discloses a repeater diversity spread spectrum communication system provides substantially fade free communication.
- Chang et al (US Patent No. 6,756,937) discloses a communication system including a first transceiver located on a first platform at a predetermined altitude.


Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Inder P Mehra
Inder P Mehra
Examiner
Art Unit 2666
10/30/04



DANGTON
PRIMARY EXAMINER